

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

CARYN DEVINS STRICKLAND,        )  
  )  
  )  
  *Plaintiff,*        )  
  )  
  )  
v.                                      )     **Civil No. 1:20-cv-00066-WGY**  
  )  
  )  
UNITED STATES, *et al.*,        )  
  )  
  )  
  *Defendants.*        )

**RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR  
EXTENSION OF TIME**

Plaintiff Caryn Devins Strickland opposes Defendants' request for a 10-day extension to file a reply in support of their motion to amend their Answer, which seeks to assert an untimely affirmative defense. *See* ECF No. 166. As explained in response to Defendants' motion, *see* ECF No. 172 at 2, a 10-day extension would provide Defendants more than twice the time that is normally allowed under the local rules, and would be in excess of the 14 days that Plaintiff had to file her response to Defendants' motion, *see* LCvR 7.1(e). Given the undue delays already associated with Defendants' request to amend their Answer, providing them extra time well in excess of the deadline allowed under the local rules would prejudice Strickland with further uncertainty and delay.

Defendants' filing is also untimely under Fed. R. Civ. P. 6(b), and should be stricken or disregarded in its entirety. Defendants did not timely file their reply brief when it was due on December 13, 2022, even though this Court did not grant their extension request before the deadline. Without an extension order from this Court, Defendants simply decided not to comply with the required deadline, instead relying on ex-post relief from this Court for their failure to comply. Defendants' conduct is part of a pattern of disregarding deadlines, including untimely filing their summary judgment opposition more than four weeks late, *see* ECF No. 78; missing their initial disclosures deadline twice, *see* ECF No. 34; failing to timely file their Answer, *see* ECF No. 122; and untimely asserting an affirmative defense nearly three months after the applicable deadline, *see* ECF No. 166. Defendants' dilatory conduct has severely prejudiced Strickland. This Court should disregard their untimely filing under Rule 6(b).

This the 23rd day of December, 2022.

Respectfully Submitted,

/s/ Jeannie Suk Gersen

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## CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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